

## Office of Professional Accountability (OPA) Commendations & Complaints Report January/February 2008

### Commendations:

Commendations Received in January/February: 20

Commendations Received to Date: 20

<b><i>Carpenter, Colin Hurley, Linda</i></b>	Dispatcher Linda Hurley and Officer Colin Carpenter received a letter of commendation for their timely response to an armed robbery and successful conclusion.
<b><i>Cook, Samuel Smith, Margaret</i></b>	A letter of commendation was sent to Officer Cook and Officer Smith for their presentation to at-risk high school students about careers in law enforcement. Both were professional in their presentation, and both added wonderful humor along with serious discussion.
<b><i>Carter, Nicholas</i></b>	Officer Carter received an e-mail commendation for his thorough analysis and problem solving on how to increase lighting and security on an owner's town home. The owner was very impressed when the officer did a follow-up and he checked out a car that was parked in the alley while checking the security to the owner's town home complex.
<b><i>McAuliffe, Richard</i></b>	Officer McAuliffe received a letter of appreciation for his help in searching for a missing person. He came out, took down the information, searched in the north end, filed a missing persons report, and also did a follow-up when the missing person returned to see how they were doing.
<b><i>Pelich, Debra</i></b>	Officer Pelich received a letter of praise for her work ethic, professionalism, diligence and patience when responding to calls at a retail business.  Officer Pelich also received an e-mail commendation that advised she was terrific when an individual was thought to be missing or lost. The commendation stated that Officer Pelich showed a great deal of compassion and was very energetic.
<b><i>Pitts, Jason Renner, Michael</i></b>	Officers Pitt and Renner received a letter of commendation for their help in recovering a stolen vehicle.
<b><i>Turner, Kenneth</i></b>	Officer Turner received a letter of thanks for his support and professionalism in dealing and resolving a problem with graffiti in a neighborhood.
<b><i>Umpleby, Dale</i></b>	Officer Umpleby received a letter of commendation for the demeanor he showed while responding to the scene of a car crash.

<b><i>Bair, Krista Maccarrone, Laura</i></b>	Both Officer's Krista Blair and Laura Maccarrone did an excellent job handling a mentally ill tenant who had made threats of violence towards another tenant. The officers dealt with the mentally ill tenant with respect and dignity and went above and beyond to resolve the situation.
<b><i>Ellis, Randy</i></b>	A letter of commendation was sent to Officer Randy Ellis for his outstanding performance. Officer Ellis responded immediately and was courteous, professional and extremely thorough in all that was involved in a theft from a community storage area in a condominium.
<b><i>Jackson, Garry Wilson, Malinda</i></b>	Both Detective's Malinda Wilson and Officer Garry Jackson received a letter expressing appreciation for the presentation they gave for a student body and parents on the importance of using internet safely.
<b><i>Newsom, Dianne</i></b>	A thank you card was sent to Sergeant Dianne Newsom for her positive contact with the Girl Scouts when she came to speak with them.
<b><i>McDaniel, Kevin</i></b>	Officer McDaniel received a letter complimenting him for the ongoing assistance he gave in addressing noise issues in a neighborhood. Officer McDaniel was successful in resolving this quality of life issue for the person directly involved and the other neighbors.
<b><i>Kinner, Gary</i></b>	Detective Kinner received a letter of appreciation for his presentation at the Harborview Hospital about illicit drugs in the Seattle Area. The attendees were impressed with his Illicit Drugs Presentation and particularly appreciated the opportunity to "interact" with substances that hospital employees usually only hear about when working in the emergency room.

\*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

## January/February 2008 Closed Cases:

*Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.*

*Cases are reported by allegation type. One case may be reported under more than one category.*

### STANDARDS OF CONDUCT: LAWS/POLICY/PROCEDURES

Synopsis	Action Taken
The complaint alleged that the named employee had been inappropriately utilizing off-hours parking and not paying the appropriate fees.	The investigation determined that there was confusion on what the employee had been told by parking officials. It was determined that the best resolution for this issue would be to have the employee's supervisor counsel the employee and correct any misinformation. Finding—SUPERVISORY INTERVENTION
The complaint alleges that the named employee visited numerous shopping and sports related internet sites in violation of the Department's e-mail and internet use policy.	The investigation determined that the employee had in fact violated the department policy. Finding--SUSTAINED

### STANDARDS OF CONDUCT: INTEGRITY

Synopsis	Action Taken
The complaint alleged that two SPD employees had, on multiple occasions, consumed meals and drank alcoholic beverages at a local establishment after closure. The complaint further believed that the employees did not pay for the meals/drinks.	The facts in the case did not support the allegations. The complainant lacked credibility and no independent evidence could be determined to support the complaint. Finding--UNFOUNDED
The complainant stated that the named employee had "hit on her" and flirted with her after having arrested her for DUI. The employee's actions made the complainant uncomfortable and she felt vulnerable as the criminal matter was still pending resolution.	The investigation determined that the named employee believed his actions were appropriate, that he was not pursuing a personal relationship, and that he was following up on issues that were identified during the initial stop. What is important here, is that the from the complainant's perspective, the employee had crossed over the line. While the complainant suggested that the employee might have been inviting a personal relationship, the employee denied any impropriety. When placed in context, the investigation determined that the employee's actions appeared reasonable. Finding—SUPERVISORY INTERVENTION

**STANDARDS OF CONDUCT: MISHANDLING PROPERTY/EVIDENCE**

Synopsis	Action Taken
The complainant stated that during his arrest, SPD employees failed to safeguard his personal property and that items seized were not returned to him upon his release from custody.	The employees involved in this case accounted for the majority of the complainant's property properly. When notified of the complaint, the employees located one of the complainant's missing items that had been packaged and readied for storage, but had not been delivered. The employees located the complainant and advised on how the complainant could retrieve the missing item. The officers acknowledged that they might be at fault in the situation. Finding—SUPERVISORY INTERVENTION

**STANDARDS OF CONDUCT: PROFESSIONALISM**

Synopsis	Action Taken
The complaint alleged that the employee had acted inappropriately when dealing with a traffic issue at Safeco Field. The complaint further alleged that the employee used inappropriate language when dealing with the complainant.	The investigation determined that the employee was in the process of issuing a traffic citation for a violation when a third party attempted to intervene. The employee believed the intervention was inappropriate and made a complaint against the individual with his employer. It was determined that the employee was within his rights to file a complaint with the party's employer. Finding—Discretion—EXONERATED The investigation also determined that while the party may have irritated the employee, the employee had an obligation to treat the citizen with respect and courtesy and not use inappropriate language. Finding—Courtesy—SUPERVISORY INTERVENTION
The complainant states that the employee used excessive verbal force by threatening him during a traffic stop.	The investigation revealed that the complainant did not have a drivers license, insurance or proper registration and protested the traffic stop and was aggressive and very animated raising officer safety issues. The instructions given to the complainant were deemed to be appropriate considering the circumstances. Finding—Courtesy—EXONERATED During the investigation of this complaint, it was also noted that a second employee failed to use in-car video equipment as trained and in accordance with policy. Finding—In-Car Video—SUPERVISORY INTERVENTION
The complaint alleged that the named employee, while off duty, was intoxicated and refused to leave an establishment when asked to do so. The incident resulted in a police response and the contact was subsequently reported to SPD.	There is a clear expectation that SPD employees not use their position for any kind of personal gain. Though the employee did not explicitly state his relationship with SPD during the initial contact, he did make vague references to his employment career field. He later provided an SPD business card to responding police in lieu of providing a home address. This action created an appearance of impropriety sufficient for the agency to report the incident to SPD. Finding—Courtesy—SUPERVISORY INTERVENTION

The complaint states that the employee refused to properly identify himself when asked and threatened to arrest the complainant when they persisted.	It was determined that the employee fell short of the expectation that he act professionally and courteously at all times when dealing with the public. The contact was considered minor and it was determined that counseling and some additional training from supervisory personnel would be the appropriate resolution. Finding—Courtesy—SUPERVISORY INTERVENTION
The complainant alleges that the named employee continues to trespass on his property despite his objections. Further, the employee's former SPD K9 acts in an aggressive and threatening manner.	The evidence in the case did not support the allegations that the employee had been discourteous or harassing. The investigation further determined that the employee had not violated any of the complainant's property rights. Finding—Courtesy—UNFOUNDED. Finding—Exercise of Discretion—UNFOUNDED.
The complaint alleges that the employee used inappropriate language and threatened the complainant.	While the investigation was unable to determine if profanity had been inappropriately used as alleged, the testimony of independent witnesses did support that the employees acted professionally and appropriately. Finding—Profanity—NOT SUSTAINED Finding—Courtesy--UNFOUNDED

### STANDARDS OF CONDUCT: RULES/EXPECTATIONS

Synopsis	Action Taken
The complaint states that the named employees contacted the complainants for jaywalking following a Mariner's game. Further, that one of the named employee's used excessive force during the contact and arrest. It further alleges that the officers were in plain clothes and that they failed to identify themselves in a timely manner.	<p>The investigation determined that the employees were in full uniform. Further, had the complainants complied with the employees initial instructions, they would have walked away with only a warning. An independent witness observed the employee's conduct and supported the employee's appropriate resolution of the incident. The witness and in-car video further supported that no unreasonable or excessive force was used during the encounter. Finding—Discretion—EXONERATED</p> <p>Finding—Force—UNFOUNDED</p> <p>The complaints were not US citizens and the additional issue of notification of their right to contact their consular officials was not provided as directed by policy. Finding—SUPERVISORY INTERVENTION</p> <p>The above allegation also raised an issue of the supervisor's responsibility to ensure compliance with the policy expectation. It was determined that the supervisor should have better managed the incident and ensured the notification was made and documented. Finding--SUSTAINED</p>

<p>The complainant stated that the named employees removed money from her pants pocket during her arrest that was not subsequently booked into her property when she was processed at jail. Further, employees did not honor her request to locate an interpreter.</p>	<p>The preponderance of the evidence indicated that the incident did not occur as alleged. The event was captured on in-car video and the sequencing of the events was determined to not be realistic or feasible. Finding—Rule/Expectations—UNFOUNDED</p> <p>The investigation determined that the complainant had no difficulty understanding the officers during the initial contact. The complainant was deemed to be fully competent to converse in English and even if the complainant was having difficulty conversing, the employees were not questioning the complainant, and there was therefore no a need to secure an interpreter. Finding—Rules/Expectations--EXONERATED</p>
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### UNNECESSARY FORCE

Synopsis	Action Taken
<p>The third party complaint states that the employee (male) used more force than necessary to take the subject (female) into custody.</p>	<p>The subject was being arrested and an independent witness and video footage from an in-car video camera both support that the subject was being combative and resistive. The force used was determined to be reasonable and appropriate under the circumstances. Finding--EXONERATED</p>
<p>The complainant states that the named employee used unnecessary force when he mistook her for a felony warrant subject and threw her to the ground and "smashed" the left side of her head into the pavement.</p>	<p>The facts determined during the investigation did not support the allegations. The employee was conducting a warrant check on an intoxicated subject and while escorting her to his vehicle she fell. Witness employees support the named employee's version of the facts and other citizens in the area did not report any misconduct. The complainant was determined to be not credible. Based on the merits of the case, this complaint would have received a finding of "unfounded." However, while the subject was intoxicated and uncooperative, the fall was not documented in the incident report and was only reported during the investigation. Also, since the subject was not free to leave and was being detained during the warrant check, it would have been prudent to have the detention screened by a supervisor prior to release. Finding—SUPERVISORY INTERVENTION</p>
<p>The complainant alleged that the named employee used unnecessary force while affecting his arrest. The complainant advised that when he was placed in handcuffs, his arms were twisted causing pain and that the handcuffs were applied to tightly.</p>	<p>The evidence, including independent witness testimony, supported that the involved employees acted reasonably and that force used was necessary and appropriate. Finding--EXONERATED</p>

The complaint alleges that the named employees struck him in the back of the head causing him to lose consciousness.	The investigation determined that the complainant was observed fighting with another individual and the employees attempted to break up the fight. The parties were highly intoxicated and alcohol played a significant role in this incident. As the complainant was directed away from the incident, he lost his balance and fell. There was no evidence that any SPD employee struck the complainant. Finding--UNFOUNDED
The complainant states that the named employees injured him during a contact and failed to identify themselves when he asked.	The evidence indicated that the incident did not occur as described by the complainant. Witnesses indicated that no force had been used on the complainant and no one heard any request that the employees identify themselves. There was no documentation of any injury and there were multiple inconsistencies that detracted from the complainant's credibility. Finding--UNFOUNDED

**January/February Cases Mediated:**

- Complaint alleged that a Parking Enforcement Officer failed to use appropriate discretion when he cited a vehicle for illegal parking while the driver was helping to unload a disabled elderly family member who had recent surgery.

## Definitions of Findings:

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not Sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

**“Supervisory Intervention”** means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

## Cases Opened (2007/2008 by Month Comparison)

Date	PIR		SR		LI		IS		TOTAL	
	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008
1/1-2/15	39	37	14	7	0	2	19	15	72	61
2/16-3/15	25	22	6	9	1	1	13	11	45	43
3/16-4/15	20		3		2		14		39	
4/16-5/15	37		10		1		12		60	
5/16-6/15	31		7		1		7		45	
6/16-7/15	41		9		1		13		64	
7/16-8/15	30		9		1		15		55	
8/16-9/15	27		14		1		14		56	
9/16-10/15	16		10		0		13		39	
10/16-11/15	22		6		1		14		43	
11/16-12/15	21		8		3		15		47	
12/16-12/31	6		1		2		3		12	

## 2007 Cases Closed to Date

